UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

April 20, 2015

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Subject: Final Multi-Project Environmental Impact Statement for Hydropower Licenses Susquehanna River - York Haven, Muddy Run, and the Conowingo Projects, Pennsylvania and Maryland, CEQ# 20150065

Dear Secretary Bose:

In accordance with Section 102(2) (c) of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2) (c), Section 309 of the Clean Air Act, 42 U.S.C. § 7609, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the United States Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (EIS) for the above-referenced projects and is providing the following comments.

As you are aware, the Final EIS is for the Federal Energy Regulatory Commission (FERC) relicensing of three hydroelectric facilities located on the Susquehanna River below Harrisburg, Pennsylvania. These projects are: the York Haven Hydroelectric Project, the Muddy Run Pumped Storage Project and the Conowingo Hydroelectric Project (Conowingo). The York Haven Hydroelectric Project, located in the City of York, in York, Dauphin, and Lancaster Counties, Pennsylvania, is owned and operated by the York Haven Power Company. The Muddy Run Pumped Storage Project is located in Lancaster and York Counties, Pennsylvania and the Conowingo Hydroelectric Project is located in Cecil and Harford Counties, Maryland; both are owned and operated by Exelon.

FERC issued a Draft EIS on July 30, 2014 and EPA provided substantial comments in our letter of September 29, 2014. Earlier recommendations for the scope of the EIS with additional information on the Conowingo Dam's effect on the Chesapeake Bay was shared in a correspondence of August 6, 2013. In the September 29, 2014 letter, EPA raised significant concerns including the need for:

- A comprehensive, up-to-date assessment of the sediment and nutrient dynamics and management options on the lower Susquehanna River and the Chesapeake Bay.
- Expanding the project study area to include those parts of the Chesapeake Bay where there are documented adverse water quality and aquatic life impacts due

to the loss of sediment and associated nutrient trapping capacity behind the Conowingo Dam.

- The recognition that the 85 year presence of the Conowingo Dam has profoundly impacted the sediment and nutrient management of the Chesapeake Bay Watershed and bears a portion of the responsibility to a long term solution.
- Acceptable ecological flows, fish passage, and fish stranding measures.
- An Endangered Species Management Plan for bog turtles
- An assessment of the effects of PCBs (particularly from sediment residing behind the Conowingo Dam) on water quality and the natural resources in the Susquehanna River and the Chesapeake Bay
- An assessment of the effects of climate change on the Susquehanna River and the Chesapeake Bay over the course of the decades-long license for the Susquehanna River Projects.

In addition, EPA rated the Draft EIS as an Environmental Objection 2 (EO-2). The EO rating meant that the review had identified significant environmental impacts that should be avoided in order to adequately protect the environment. Further, the 2 rating indicated that the Draft EIS did not contain sufficient information to fully assess environmental impacts that should be avoided to fully protect the environment.

After a review of the Final EIS, EPA stands by our comments on the relicensing conditions of the Susquehanna River projects presented in our letter September 29, 2014. EPA recognizes and appreciates that FERC has agreed to require additional bog turtle survey and protection in the project area. EPA is disappointed that other issues were not adequately addressed; summary of our comments are provided below:

The geographic scope of the project. While the Final EIS does recognize the Lower Susquehanna River Watershed Assessment (LSRWA) study which indicates that the Susquehanna River projects may have an effect on water quality in the upper Chesapeake Bay, the Final EIS geographic scope of study remains limited to the Susquehanna River itself, and does not include the Chesapeake Bay. EPA continues to have concerns with FERC's limited scope because the impacts of the Susquehanna River Projects on the Chesapeake Bay may go beyond what was assessed in the LSRWA and may include additional effects from climate change and/or PCB transport.

Conowingo Dam water quality mitigation measures for the Chesapeake Bay. As stated previously, during the Conowingo Dam's 85 year presence, it has had profound impact on the sediment and nutrient management of Chesapeake Bay Watershed and bears a portion of the responsibility to a long term solution. The LSRWA demonstrated the direct connection between the presence and operation of the Conowingo facility and increases in sediment and associated nutrient pollutant loads to the Chesapeake Bay during storm flow events.

As stated in the EPA letter of September 2014 on the Draft EIS, it is appropriate for the facility to be part of the long term mitigation and solution to water quality issues. Contributions of sediment and associated pollutants and material scoured from behind the dam that will result from significant storm events jeopardize attainment of water quality standards. Efforts to

address sediment and nutrient issues upstream, downstream and at the hydropower facilities are critical.

It would be helpful for the public to understand the approach expected to be taken by the Conowingo facility's operator to address the requirements of the State of Maryland for a water quality certification under Section 401 of the Clean Water Act. It is our understanding that the application was considered incomplete by the State of Maryland and that additional study is needed (and underway) to assess water quality impacts of the Conowingo Dam.

The Conowingo Dam Flow Management Plan, fish passage and fish stranding measures. These issues continue to be unresolved with US Fish and Wildlife Service (USFWS) and the Pennsylvania Fish and Boat Commission. It is recommend that FERC continue to work with the resource agencies to negotiate an agreement. As stated in the EPA September 2014 letter, adoption of the flow estimate and flow management plan recommended by the USFWS would serve to address some environmental issues resulting from the Conowingo Dam's modification of flow regime.

PCB assessment. EPA continues to believe that FERC should provide a comprehensive environmental assessment of all possible known impacts not only to provide environmental information to the public but also for the lead agency to make an informed decision on the proposed project. As stated in the FERC response (to EPA on our Draft EIS comments), PCB contamination is a basin-wide issue; and since the sediment behind the Conowingo Dam is in dynamic equilibrium and PCBs tend to adhere to sediment, there is raised concerned that this could contribute more to this contaminant's mobility in the environment. For instance, though reduced levels of PCB contamination may be expected to enter the aquatic system due to improved stormwater or contamination controls, existing sediment behind the Conowingo Dam contains elevated levels of PCBs. Scouring events such as occur during storms are likely to mobilize the stored contaminants, enabling them to travel beyond the Dam. Assessment of the prolonged release of the contaminant and implications to the downstream cleanup goals should be considered.

Climate Change Assessment. According to the 2014 National Climate Assessment report (U.S. Global Change Research Program, GlobalChange.gov), our region is experiencing and is expected to continue to experience heat waves of greater frequency, intensity and duration, extreme precipitation events, and also sea level rise and land subsidence. These climate change events are and will have a profound impacts on infrastructure, hydrologic flow regimes, fisheries and the ecosystem as a whole. As stated in our September 29, 2014 comment letter on the Draft EIS, by not considering the potential effects of climate change, there can be no assurance that FERC has included adequate measures for protection of threatened and endangered species, migration of fish and eels, recreational use of the water body, and protection of water quality standards (including those of Maryland and Virginia in the Chesapeake Bay mainstem). This is particularly concerning since the Exelon operating license will be in effect for 30 to 50 years.

Thank you for allowing EPA the opportunity to review and comment on the Final EIS for the Susquehanna River Hydroelectric Projects. EPA Region III would be pleased to discuss the recommendations for additional study and planning outlined above. It is requested that these

issues be addressed before a Record of Decision is prepared. We are available to meet in-person and suggest that an interagency discussion would be beneficial to the project development and relicensing process. If you have any questions, please contact me at 215-814-2702 or have your staff contact Kevin Magerr at (215) 814-5724 or magerr.kevin@epa.gov.

Sincerely,

John R. Pomponio, Director
Environmental Assessment and
Innovation Division

cc: Secretary Ben Grumbles, Maryland Department of the Environment